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March 5, 2021

Hon. Jesse M. Furman  
United States District Court for  
the Southern District of NY  
Thurgood Marshall Courthouse  
Room 1105  
40 Centre Street  
New York, NY

Re: Ipromoteu.com, Inc. v Nearby Promotions, Inc.  
and Michael Nemitoff  
Civil Action No.: 1:20-cv-11031

Dear Judge Furman:

I am the attorney for the defendants in the above referenced action. Having only appeared in this action last week I am still familiarizing myself with the issues and underlying documents involved in the Complaint. Though no documents have as yet been provided to me by the Plaintiff, it has come to my attention after a review of the case filings on ECF that the Court has issued an Order for an in person initial pretrial conference scheduled for the afternoon of March 16, 2021.

As I am at high risk for Covid-19 complications, being a dual cancer survivor among other health issues, I do not want to appear in person at the Courthouse at this time. I will be fully vaccinated and immunized by the end of this month. Moreover, after a discussion with plaintiff's counsel there appears to be a question of whether or not a document exists that would prove the individual defendant's liability to the plaintiff. The resolution of this threshold issue will go a long way to settling this action, at least so far as the individual defendant is concerned. We are also going to need time to prepare the required pre-conference documents.

For the above reasons I am respectfully requesting a short adjournment of the conference to a date in early April 2021. I am available any day in April other than April 5<sup>th</sup> and 30<sup>th</sup>.

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No prior request has been made for the relief sought in this letter. I conferred with plaintiff's counsel, Richard P. Haber, Esq., yesterday and he consents to the requested adjournment. There is no other scheduled appearance before the Court at this time.

Respectfully submitted,



Lonnier G. Tishman

cc: Richard P. Haber, Esq.

In all likelihood, the March 16th conference would have been held by telephone. Be that as it may, the application GRANTED, and the initial pretrial conference previously scheduled for that date is ADJOURNED to **April 6, 2021, at 2:30 p.m.** The parties are reminded of their obligation to file a pre-conference letter and proposed case management plan no later than the Thursday prior to the conference. *See* ECF No. 6. The Clerk of Court is directed to terminate ECF No. 14.

SO ORDERED.



March 5, 2021